



ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರ

ಅಧಿಕೃತವಾಗಿ ಪ್ರಕಟಿಸಲಾದುದು

ಸಂಪುಟ ೧೫೬ Volume 156	ಕಲಬುರಗಿ, ಮಂಗಳವಾರ, ೧೨, ಅಕ್ಟೋಬರ್, ೨೦೨೧(ಅಶ್ವಯುಜ, ೨೦, ಶಕವರ್ಷ, ೧೯೪೩) KALABURAGI, TUESDAY, 12, OCTOBER, 2021 (ASHWAYUJA, 20, SHAKAVARSHA, 1943)	ಸಂಚಿಕೆ ೭೪ Issue 74
-------------------------	--	-----------------------

ಭಾಗ ೬-ಸಿ

ಕಲಬುರಗಿ ವಿಭಾಗಕ್ಕೆ ಮತ್ತು ಕಲಬುರಗಿ, ಬಳ್ಳಾರಿ, ರಾಯಚೂರು, ಬೀದರ, ಕೊಪ್ಪಳ ಮತ್ತು ಯಾದಗಿರಿ ಜಿಲ್ಲೆಗಳಿಗೆ ಸ್ಥಳೀಯವಾಗಿ ಅನ್ವಯವಾಗುವ ಅಧಿಸೂಚನೆಗಳು ಮತ್ತು ಆದೇಶಗಳು ಶಾಸನಬದ್ಧವಲ್ಲದ ಆದರೆ ಜಮೀನು ಸಂಗ್ರಹಣ ಶಾಸನದ ಮೇರೆಗೆ ಹೊರಡಿಸಿದ ಅಧಿಸೂಚನೆಗಳ ಸಹಿತವಾಗಿ ಸರ್ಕಾರದ ಅಧಿಸೂಚನೆಗಳು.

IN THE COURT OF PRINCIPAL DISTRICT AND SESSIONS JUDGE & PRESIDING OFFICER, LABOUR COURT, BIDAR.

DATED: THIS THE 1st DAY OF OCTOBER 2021

PRESENT;

Sri Kadloor Satyanarayanacharya,
M.Sc. LL.B (Spl).
Principal District & Sessions Judge,
Presiding Officer, Labour Court,
Bidar.

KID NO.10 of 4 (A)/3/2019
(OLD KID NO.18/2019)

FIRST PARTY/WORKMAN:

Bharath S/o Kashinath Rao, age 54 years,
occupation: nil, (Ex-conductor No.1128),
NEKRTC, Bidar, R/o Butti Galli, Aurad-B, Tq.
Aurad-B, Dist. Bidar.

(By Sri B. R. Patil, Adv.)

-VERSUS-

SECOND PARTY/RESPONDENTS:

1. The Managing Director, NEKRTC Central Office,
Sarige Sadan, Kalaburagi.

(೧೮೫೯)

2. The Divisional Controller, NEKRTC, Bidar Division, Bidar.

(R1 ex parte,
(R2 by Sri Hiregouda, Adv.)

JUDGMENT

The first party/workman has filed this claim petition U/Sec. 10(4)(A) of Industrial Disputes Act, against the order of dismissal dated 28-05-2019 passed by the respondents/second party vide its order No. NEKT/BDR/DFL/224/2014/568/2019-20 averring that, he was appointed under the respondents no.1 and 2 as a conductor in the year 1985 and his service was confirmed in the year 1988, ever since then he has been working sincerely, honestly and to the full satisfaction of the management, but in spite of that respondents corporation has indulged itself in unfair labour practice and had instructed all the divisions to resort for some unfair practice, to show artificial profit to the corporation has indulged in dismissing senior drivers and conductors on false and baseless allegations, in their place recruiting others by paying too nominal wages under the garb of trainee, casuals badlies, to save Rs.8,000/- to Rs.10,000/- per driver and conductor. On 23-08-2011 when this first party/workman was on duty conducting the bus plying on route Aurad-B to Udgir, on the bus bearing Reg. No. F 417, checking officials entered the bus at Aurad-B stage No.1, snatched ETM and way bill and pushed the workman, due to which, he fell down and suffered head injuries and he was immediately shifted to hospital in 108 ambulance and case was registered against the checking officials in Aurad-B Police Station in Crime No.74/2011 for the offences under Sections 323, 324, 504 R/w Sec.34 of IPC, thereafter the management issued suspension order dated 16-09-2011 and that he regularly signed the suspension attendance register till the revocation of suspension period. It is alleged that, the revocation order copy was not issued to him. On the contrary, the Depot Manager, Bidar, submitted a

false report showing this first party claimant as unauthorizedly absent from 30-03-2012 to 03-05-2014. According to him, the said incident of assault resulted into operation and insertion of implant resulting in disability that added to the disability in discharging of his duty as a conductor, therefore, he made representation to the respondents to provide him alternative employment. He submitted that, himself approached Medical Board, who gave disability to the extent of 40% to 45% and also opined that, he is unfit to discharge the duty of conductor and can do other work in the respondents corporation. It is alleged that, inspite of making several representation alternative employment was not given, except calling of the meeting to complete the formalities and issued the letter dated 17-10-2014 and worked as a KMPL master, traffic controller and security guard, till the date of dismissal on 28-05-2019. Therefore, the dismissal order is bad in law and that has been passed without adhering to the principles of natural justice and not considering the number of leave that was in his credit. From the statutory lapses on the part of the respondents in not maintaining the records as required under Motor Transport Workers Rule. As per the requirements in fact the burden is upon the respondents to prove that the enquiry was conducted adhering to the C & D regulations and principles of natural justice.

In the counter filed by the 2nd respondent has contended that, the enquiry conducted was in accordance with C & D regulations by holding D.E by appointing Assistant Law Officer, Bidar Division, as enquiry authority. It is also contended that, the first party/workman was given full opportunity to participate in the enquiry proceedings. It is further contended that, since the first party/workman is a chronic defaulter, thereby caused great inconvenience to the daily runnings of schedules causing inconvenience to the public and loss of revenue to the corporation, therefore, continuation of such person into service was found to be detrimental to the interest of corporation. Therefore contended that, holding of enquiry resulting in dismissal of first party/workman is proportionate to misconduct.

Based on the pleadings of the parties, the following four issues have been framed;

ISSUES

- 1) Whether first party proves that, order of dismissal dated 28-05-2019 was without conducting any proper enquiry as required under C & D regulations and in violation of principles of natural justice?
- 2) Whether the order of dismissal is against the provisions of Section 33.2(b) of I.D. Act and against the circular issued by the KSRTC Central Office?
- 3) Whether the first party is entitled for the order of reinstatement into service with continuity of service and consequential benefits as prayed?
- 4) What order/Award?

Recasted issue No.1) Whether the second party/respondents prove that, the enquiry conducted by it, in holding the first party/ workman guilty of misconduct for remaining unauthorized absent from 30-03-2012 to 03-05-2014 was fair and impartial and as per C & D regulations adhering the principles of natural justice?

The burden of proof Issue no.1 being on the 2nd respondent as at that given point of time, as per law then prevailing, after recording the evidence of MW.1, recasted issue no.1 is answered in negative by order dated 30th March 2021. Thereafter, 2nd respondent examined one more witness on his behalf as MW.2 and got marked Ex.M.11 and Ex.M12 and closed his side. Whereas first party claimant got himself examined as WW.1 and Ex.P.1 to Ex.P.5 have been marked and on his side.

I have heard the arguments on both sides and same is now posted for judgment on other issues.

My findings to the above issues are;

Issue no.2 : in affirmative,

Issue No.3 : in affirmative,

Issue no.4 as per final order, for the following;

REASONS

ISSUE NO. 2 & 3: Both issues are taken up together for discussion in order to avoid repetition of facts.

The main contention of the first party/workman is that, on 23-08-2011 when he was conducting the bus plying on the route Aurad-B to Udgir bus bearing Reg. No. F 417, the checking official has entered the bus at Aurad-B stage No.1, then snatched ETM and way bill and then checking official forcibly pushed him, due to which, he fell down on the foot board and sustained severe head injuries and was immediately shifted to hospital in 108 Ambulance and on recording of his statement, case was registered against the checking officials in Aurad-B Police Station in Crime No.74/2011 for the offences punishable U/Sec. 323, 324, 504 R/w Sec.34 of IPC and followed by it, on 16-09-2011 management issued suspension order and suspension order continued upto 30-03-2012 and in view of suspension period was also treated as absence from duty and his revoking of suspension was not served upon him and that he could not attend for duty as a conductor for the reason that, he had sought for change of cadre. MW.1 has not adverted to the specific allegation made against the checking officials in his chief-examination and this workman sustaining injuries while on duty. Now so far as holding of enquiry by adhering the principles of natural justice by the management is concerned, that has gone against the respondents by answering issue no.1 in negative by order dated 30-03-2021. It is clear from Ex.Pw.1 during suspension period this workman had to approached the Hon'ble High Court of Karnataka Circuit Bench, Kalaburagi, in W.P.No.82657/2012 (S-RES) for subsistence of allowance and medical reimbursement and that writ petition came to be disposed off by issuing direction to the respondent to consider the representation of workman. From Ex.P.2 and Ex.P.3 it is clear that the first party claimant had made a detailed representation the reason for his hospitalization, period of hospitalization, not only that Doctor on record of respondent/ management had advised this workman patient on examination to undergo for operation. Therefore, requested to revoke the suspension order and to give him alternate work, the first representation was given on 19-01-2012 and thereafter the second representation was given on 20-06-2012 and thereafter again third representation was given on 10-02-2013, the last representation is received by the office of the respondent on 19-02-2013 as per the endorsement and seal made.

In response to these representations, almost more than one year, the respondents have not responded to these representations and it is only on 17-10-2014 they passed an order allowing him to work in diesel bunk and to engage himself for filling the diesel to the buses and to keep account of the same w.e.f. 16-10-2014. This order itself satisfactorily proves the fact that, firstly that his absence from duty was unintentional and at the same time, the reasons for his absence is very well known to the 2nd respondent as a criminal case was registered against checking officials, therefore, definitely it was the action of respondent in holding farce enquiry on a got up report of the Depot Manager, reporting that the workman was unauthorized absence and accepting the same then passed an impugned order, terminating from service itself is throughly illegal viewed from any angle.

Secondly, from Ex.P.5 the order issued by the 2nd respondent itself shows that the 2nd respondent knew the fact that, the workman is not in a position to attend and continue in service as a conductor and accepting the said position on medical report, they gave light work, therefore, from that angle also the order is not sustainable. Therefore, the order of dismissal is not only illegal but disproportionate to the so-called imagined misconduct. Apart from that, before going for dismissal, there is no record to show that the 2nd respondent has filed any petition before the Tribunal U/Sec.33(2)(B) of I.D. Act, 1947 and sought permission to pass order of dismissal. Therefore, mere payment of one month salary by way of cheque cannot be construed as compliance of the said provision. Apart from this, now it is elicited during the evidence of MW.2 Depot Manager that after subjecting the first party/workman to Medical Board ultimately he was given light work by order dated 17-10-2014 that is as per Ex.P.5 and he worked in that capacity. It is not the case of the 2nd respondent that during the second tenure in the different capacity there was any misconduct on the part of first party/workman in attending the light work. Therefore, the order of dismissal dated 28-05-2019 deserves to be set aside. Hence, I answer **Issue No.2 and 3 in affirmative.**

ISSUE NO.4. In view of my finding on the above issues, it is a fit case to invoke discretion conferred on this Court U/Sec.11-A of the Industrial Disputes Act, 1947 to order for reinstatement of the first party/claimant with continuity of service and all consequential benefits, with full back wages. Accordingly, it is held that, the first party/claimant is entitled for order of reinstatement by setting aside the order of dismissal. Hence, I proceed to pass the following;

ORDER

i) Claim petition filed by the first party/workman **U/Sec.10(4)(A) of Industrial Disputes Act,1947, as amended in Karnataka Act,1987** is hereby allowed.

ii) The order passed by the 2nd respondent in File No. NEKT/BDR/DFL/224/2014/568/2019-20 dated 28-05-2019 is hereby set aside.

iii) The 2nd respondent is directed to reinstate the first party/claimant–**Bharath S/o Kashinath Rao**, with continuity of service with all consequential benefits, with full back wages, and he shall comply the order **within one month** from the date of publication of the award.

iv) The 2nd respondent is also directed to reinstate the first party/workman in the light work given to him as per order dated 17-10-2014 as per Ex.P.5.

v) Having regard to the facts and circumstances of the case, the parties are directed to bear their own costs.

vi) The office is directed to send a copy of the award to the Government for its publication as provided U/Sec.17 of the Industrial Disputes Act, 1947.

(The Judgment is dictated to the Judgment Writer, and computerized by him, corrected by me and then pronounced in the open Court on this the **1st day of October 2021**)

(Kadloor Satyanarayanacharya)
Presiding Officer, Labour Court,
Principal District & Sessions Judge,
Bidar.

ANNEXURES**LIST OF WITNESSES EXAMINED BY THE FRIST PARTY:**

WW.1. Bharath S/o Khasinathrao.

LIST OF DOCUMENTS EXHIBITED BY THE FRIST PARTY:

Ex.P. 1. Certified copy of order in WP No.82657/2012 dated 24-07-2012.

- Ex.P. 2. Copy of representation.
- Ex.P. 3. Copy of representation.
- Ex.P. 4. Copy of representation.
- Ex.P. 5. Copy of duty order dated 17-10-2014.

LIST OF WITNESSES EXAMINED BY THE SECOND PARTY:

- MW.1. Mahadevappa S/o Nagshetty Uppin, Adm. Officer.
- MW.2. Bhadrappa S/o Basavanappa, Depot Manager.

LIST OF DOCUMENTS EXHIBITED BY SECOND PARTY:

- Ex.M1 Appointment of enquiry officer.
- Ex.M2. Copies of 21 notices.
- Ex.M3. Seven speed postal receipts.
- Ex.M4. Two unserved covers.
- Ex.M5. Copy of plea.
- Ex.M6. Order sheet.
- Ex.M7. Original proceedings copy.
- Ex.M8. Inquiry proceedings.
- Ex.M9. Enquiry findings report.
- Ex.M10. Reply to the findings.
- Ex.M11. Enquiry proceedings.
- Ex.M12. Unauthorized absent report.

(Kadloor Satyanarayanacharya),
Principal Dist. & Sessions Judge,
Presiding Officer, Labour Court,
Bidar.

SMH**

**IN THE COURT OF PRINCIPAL DISTRICT AND SESSIONS JUDGE &
PRESIDING OFFICER, LABOUR COURT, AT BIDAR.**

DATED: THIS THE 22nd DAY OF SEPTEMBER 2021

PRESENT:

Sri Kadloor Satyanarayanacharya,
M.Sc. LL.B (Spl).
Principal District & Sessions Judge,
Presiding Officer, Labour Court,
Bidar.

KID NO.10(4)(A)/5/2019

FIRST PARTY/WORKMAN:

Govinder Reddy @ Govindreddy S/o Manik Reddy
Shankati, age 35 yeas, occupation: nil, Ex. Driver No.962,
Humnabad Depot, R/o Hankuni, Tq. Humnabad, Dist.
Bidar.

(By Sri B. R. Patil, Adv.)

-VERSUS-

SECOND PARTY/RESPONDENTS:

1. The Managing Director, NEKRTC Central Office,
Kalaburagi.
2. The Divisional Controller, NEKRTC, Bidar Division,
Bidar.

**R1 exparte,
R2 by Sri Ramesh S.K. Adv.)**

JUDGMENT

This claimant petition filed U/Sec.10(4)(A) of Industrial Dispute Act, 1947, against the order of termination dated 13-03-2019 passed by the second party/respondent no.2 vide its order No. NEKRTC/BDR/ACDT/ 60/15/3581/2018-19.

The brief facts of the case are that, first party/ workman was appointed as driver under respondents, and since the date of his appointment, he was working sincerely and honestly

to the full satisfaction of the respondents/ management. On 03-03-2016 while discharging the duty as a driver, on bus bearing Reg. No. KA 38 F 686, there was an accident resulting charge-sheet being filed against the first party claimant in CC No.151/2016. In the meanwhile, the 2nd respondent had also issued charge-sheet and after holding domestic enquiry, the said charge-sheet was closed by imposing punishment vide order dated 20-12-2016, whereas in the criminal case in CC No.151/2016 he was convicted by the Senior Civil Judge & JMFC, Humnabad, judgment dated 22-09-2018, that conviction judgment was challenged in Criminal Appeal No.84/2018 before the Hon'ble District & Sessions Judge, sitting at Humnabad, which has been stayed. After the conviction judgment, again show-cause notice was issued to him on 22-10-2018 for which he gave a reply stating that, still the matter is not reached finality and that the judgment of conviction had been stayed, so no action can be taken. But the 2nd respondent without considering the reply, passed an order of dismissal that which is now challenged herein on the following;

GROUND

a) That, the order of punishment is illegal and void abinitio. That reporter made a false report against the first party claimant with a malafide intention, that the charge-sheet which was issued in this case to the first party claimant is not in accordance with principles of natural justice and is also against the law. More so when the judgment of conviction has been stayed by the Hon'ble District & Sessions Judge, sitting at Humnabad, the 2nd respondent/ management has dismissed the first party claimant from the service without conducting enquiry and without giving proper opportunity of hearing, therefore, the order of dismissal is illegal, perverse, and is nothing but victimization and unfair labour practice.

b) That, without admitting the guilt, the first party claimant submits that the order of dismissal is shockingly disproportionate to the gravity of alleged misconduct. Therefore, this petition is filed to set aside the same.

In response to service of notice, the 2nd respondent has appeared through learned counsel and has filed counter to the petition denying the allegations of not providing the opportunity etc. It is contended that, the workman while performing his duty on a bus bearing Reg. No. KA 38 F 686 on route to Chitguppa to Humnabad, drove the vehicle in a rash and negligent manner and dashed Auto bearing Reg. No. KA 39 491 resulting in criminal case being registered against him in CC No.151/2016 and he has been convicted by the Senior Civil Judge & JMFC, Humnabad, by judgment dated 22-09-2018. After obtaining the certified copy of the conviction order, Security Inspector has investigated the matter and submitted the detailed report, based on that, show-cause notice was issued, then on receiving the reply, disciplinary authority perused the records and came to the conclusion that the first party claimant has committed serious misconduct by causing accident and dismissed him from service. Therefore, the order passed by the disciplinary authority is proper. Once the first party claimant is convicted by the criminal court, he cannot be continued in the Government institution as an employee. Before passing the dismissal order, an application was filed in ID No.148/2005 for seeking the approval of action of dismissal and paid one month wage to the first party claimant vide cheque No.155197 dated 20-02-2019 in compliance with Section 33(2)(b) of I.D. Act, therefore, prayed for dismissal of the petition.

Based on the pleadings Presiding Officer of the Labour Court at Kalaburagi, has raised following two issues;

ISSUES

- 1) Whether the order of dismissal of the first party dated 13-03-2019, based on his conviction in C.C. No.151/2016 is sustainable?
- 2) What order/award?

The official of 2nd respondent has examined as MW.1 and got marked Ex.MW.1 to Ex.MW.5 and closed its side. The first party claimant got himself examined as WW.1 and got marked Ex.WW.1 to Ex.WW.3 and closed his side.

I have heard the arguments on both sides and same is now posted for judgment.

My findings to the above issues are;

Issue no.1: in negative,

Issue no.2: As per final order, for the following;

REASONS

ISSUE NO.1: The main contention of the 2nd respondent is that, the first party claimant having been convicted for the offences punishable U/Sec.279 and 337 of IPC in CC No.151/2016 by the Senior Civil Judge & JMFC, Humnabad, dated 22-09-2019, the order passed by the disciplinary authority is proper. Per contra, the contention of the learned counsel for the first party claimant is that, the mistake on the part of the accused/appellant was not due to his own mistake, but there was a mistake on the part of the other vehicle also, that which has not been properly appreciated by the Criminal Court and also the Appellate Court and that the now the matter is pending before the Hon'ble High Court of Karnataka, Kalaburagi Bench, Kalaburagi, in Criminal Revision No.200057/2000 marked at Ex.WW.3, wherein the judgment of conviction and passed in CC No.151/2016 has been suspended. It is also further argued by the learned counsel for the first party claimant that, it is not the something relating to moral turpitude and only because of the mistake not only on the part of this first party claimant and also on the part of the driver of the auto which is

involved in the accident. It is further argued that, when there is a vicarious liability it could not have been solely shifted upon the first party claimant fixing the criminal liability. Therefore, submitted that, it is not grave misconduct to award such harsh punishment of dismissal of first party claimant. The learned counsel for the respondent relying upon the two decisions of the *Hon'ble Apex Court in Appeal (Civil) No.7805/1997 between Union of India and another and P.O. Yadhav*, rendered by the Hon'ble Apex Court judgment dated 16-10-2001 and another *Hon'ble Apex Court judgment in Appeal (Civil) No. 5124/2001 between State of Haryana Vs. Balwant Singh dated 04-03-2003*. In the second decision, Hon'ble Apex Court has held that, punishment imposed under the departmental enquiry and the criminal liability are two different aspects they do not be close prosecution for the same offence and punishing a person more than once as per Article 20(2) of the Constitution. Therefore, it cannot be said that, the action initiated by the 2nd respondent/management after the conclusion of the criminal trial amounts to double jeopardy.

The only question that needs to be addressed is whether imposing of punishment of dismissal from service is disproportionate to the so-called misconduct. It is an admitted fact that, though the Senior Civil Judge & JMFC, Humnabad, judgment has been confirmed in appeal by dismissing the Criminal Appeal No.84/2018 by the District & Sessions Court, sitting at Humnabad, the said judgment has been again challenged by the first party claimant before the Hon'ble High Court of Karnataka, Kalaburagi Bench, Kalaburagi, in Criminal Revision Petition No.200057/2000 as it clear from Ex.WW.3. The trial Court passed the judgment of conviction on 22-09-2018 as per Ex.MW.1 and on 22-10-2018 the impugned order of dismissal came to be passed. MW.1 has admitted in the cross-examination, has admitted that, the judgment of conviction and order of sentence was passed by the learned Magistrate was stayed by the Appellate Court on 22-09-2018 and in

the reply to the show-cause notice dated 29-10-2018 this fact has been clearly mentioned and the appeal has been disposed off on 11-08-2020. Therefore, as on the date of dismissal order admittedly there was stay order of the Appellate Court pending before the Hon'ble High Court and it was not finally decided. Therefore, the 2nd respondent could not have concluded only on the basis of the judgment rendered by the trial Court when admittedly it was stayed by the Appellate Court, since it had not reached the finality. It is to be noted that, even as on this date also it had not reached finality. Quite possible that this first party claimant may succeed in all probability in the criminal revision petition filed before the Hon'ble High Court of Karnataka, Kalaburagi Bench, Kalaburagi, and Hon'ble High Court having found that there is some merit in the case has further stayed the judgment of conviction rendered by the trial court one confirmed by the Sessions Court. Therefore, the order itself is in my considered view is premature action taken by the 2nd respondent/ management. The 2nd respondent/management has referred to the ruling of the ***Hon'ble Apex Court*** in the impugned order reported in ***1995(3) SCC 377 between the Deputy Director of Collegiate Education Vs. S. Nagoor Meera***. With due respect to the principles laid down in the above referred decision the facts of the present case are quite distinct to the case in the reported decision. In the reported decision of the Deputy Director of Collegiate Education Vs. S. Nagoor Meera case, it was the case relating to moral turpitude, wherein there was direct conscious involvement of the employee as he was caught red handed by the Vigilance and Anti Corruption Department while receiving bribe of money of Rs.10,000/-. But in the present case at hand, it was not conscious as on the part of the first party claimant but it was clearly an accident while he was driving the bus and that too there is involvement of another vehicle. Taking action may not amount to double jeopardy, but the timing of taking action was certainly hurried since the matter was

subjudice since criminal revision petition is still pending before the Hon'ble High Court of Karnataka, Kalaburagi Bench, Kalaburagi. The worst case would have been was, if really the 2nd respondent/management had decided that, the driving skill of the first party claimant itself is not to the expectation of the corporation then ultimately the corporation is at liberty to take that decision by invoking provision of **Section 28 rules 1 and 2 of Karnataka Civil Service (Conduct) Rules**. Therefore, I am considered view that there is nothing 'mensrea' involved in the Act of the first party claimant in causing the accident. Therefore, to cause either deliberate loss to the corporation property that is bus or injuries to the victim who suffered injuries out of this accident. Therefore, viewed from any angle the action taken by the corporation is premature. More so it was brought to the notice of the 2nd respondent/corporation that judgment of conviction and order of sentence has been stayed by the Appellate Court that is District & Sessions Judge, sitting at Humnabad, and inspite of that the 2nd respondent without waiting for the result of the appeal has rushed through to pass this impugned order which is not sustainable in law. Hence, the order of 2nd respondent dismissing first party workman from service deserves to be set aside. Accordingly, I answer **Issue No.1** in **negative**.

ISSUE NO.2: In view of my findings on the above issue, claim petition deserved to be allowed. Hence, I proceed to pass the following;

ORDER

- i. Petition filed by the first party claimant/ workman, U/Sec.10(4)(A) of Industrial Dispute Act, 1947, is hereby allowed, and the order of dismissal passed by the 2nd respondent/ management vide its order No. NEKRTC/BDR/ACDT/60/15/3581/2018-19 dated 13-03-2019 is hereby set aside.

ii. The 2nd respondent/management is directed to reinstate the first party claimant and he is entitled for all statutory benefits that he was entitled had he continued in service till this day. The 2nd respondent is directed to pay all the benefits **within three months in one lump sum**. It is made clear that this order will not come in the way of 2nd respondent/management taking any action on the termination of proceedings pending in Criminal Revision Petition No.200057/2000 on the file of Hon'ble High Court of Karnataka, Kalaburagi Bench, Kalaburagi.

iii. Draw award accordingly.

(The Judgment is dictated to the Judgment Writer, and computerized by him, corrected by me and then pronounced in the open Court on this the **22nd day of September 2021**)

(Kadloor Satyanarayanacharya)
Principal District & Sessions Judge,
Presiding Officer, Labour Court,
Bidar.

ANNEXURES

LIST OF WITNESSES EXAMINED BY THE WORKMAN:

WW.1. Govinder Reddy @ Govindreddy S/o Manikreddy.

LIST OF DOCUMENTS EXHIBITED BY THE WORKMAN

Ex.WW.1. Order sheet copy in Cri. Appeal No.84/2018.

Ex.WW.2. Copy of order passed in Cr. RP No.200057/2020.

LIST OF WITNESSES EXAMINED BY THE RESPONDENTS:

MW.1 H. K. Mallikarjun S/o Sidramappa.

LIST OF DOCUMENTS EXHIBITED BY RESPONDENTS:

Ex.MW.1. Certified copy of judgment in CC No.151/2016.

Ex.MW.2. Report dated 13-10-2018.

Ex.MW.3. Show cause notice to claimant.

Ex.MW.4. Reply letter of claimant.

Ex.MW.5. Dismissal order.

(Kadloor Satyanarayanacharya),
Principal Dist. & Sessions Judge,
Presiding Officer, Labour Court,
Bidar.

SMH**

PR- 370